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FROM: Edward A. Kmett (Reg. No. 42,746)

RE: U.S. Application No. 09/874,285
Attn: Examiner H. Lonsberry
Group Art Unit 2611
Atty. Docket No. 03500.011515.1

FAX NO.: (703) 872-9306

DATE: May 20, 2005

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MESSAGE

Transmitted herewith is a Request For New Office Action.

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Edward A. Kmett (Reg. No. 42,746)

(Name of Attorney for Applicant)

May 20, 2005

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03500.011515.1.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 20 2005

In re Application of:)
: Examiner: H. Lonsberry
TAKAYUKI NAGASHIMA, et al.)
: Group Art Unit: 2611
Application No.: 09/874,285)
:
Filed: June 6, 2001)
:
For: IMAGE TRANSMISSION)
: APPARATUS, IMAGE)
: TRANSMISSION SYSTEM, AND)
COMMUNICATION APPARATUS : May 20, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR NEW OFFICE ACTION

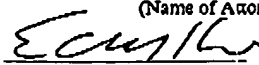
Sir:

This is a request under MPEP § 710.06 for a new Office Action, in substitution of and replacement for the Office Action dated April 22, 2005. As described below, the Office Action fails to address each of the claims currently pending in the application and therefore, does not provide Applicant with sufficient information as is needed to determine whether to continue prosecution of the application. See 35 U.S.C. §132.

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on

May 20, 2005
(Date of Transmission)

Edward A. Kmetz (Reg. No.: 42,746)
(Name of Attorney for Applicant)


Signature

May 20, 2005
Date of Signature

In more detail, the Office Action Summary indicates that all of Claims 80 to 104 are rejected. However, the Detailed Action portion of the Office Action does not address the status of any of Claims 89, 92 or 95, and in particular, does not indicate whether any of these claims are rejected under 35 U.S.C., or whether they are allowable. Thus, the bases for rejection, if any, are unclear to Applicants and Applicants request clarification of the grounds for the rejection.

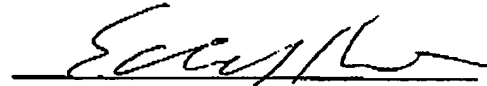
Additionally, the grounds of rejection for Claims 99 and 100 is unclear. In this regard, as set forth at page 10 of the Detailed Action, the rejection of these claims makes a reference to U.S. Patent No. 5,742,892 (Chaddha). However, it is unclear as to whether or not the rejection of Claims 99 and 100 is based on a combination of Gell and Chaddha since, as set forth at page 11 of the Detailed Action, the Office Action admits that the combination of Gell and Chaddha fails to disclose the claimed features of saturation and hue. Thus, Applicants request clarification of the grounds for rejection of Claims 99 and 100.

For the foregoing reasons, the Office Action dated April 22, 2005 is believed to be fatally defective in that it does not provide Applicants with sufficient information to judge the propriety of continuing prosecution, and indeed does not provide enough information to determine the actions that actually have been taken by the USPTO. Therefore, a new Office Action is respectfully requested.

It is also respectfully requested that the period for responding to the Office Action be restarted commencing with the mailing date of the new Office Action, or the mailing date of any paper responsive to this paper.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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